



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1828

Introduced 2/15/2013, by Sen. Emil Jones, III

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-113  
625 ILCS 5/5-803

from Ch. 95 1/2, par. 3-113

Amends the Illinois Vehicle Code. Allows the Secretary of State to impose a delinquent vehicle dealer transfer fee on vehicle dealers if the certificate of title is received by the Secretary from the dealer 30 days or more after the date of sale. The amount of the fee is \$20 if received 30 days but less than 60 days after the sale, \$35 if received 60 days but less than 90 days after the sale, \$65 if received 90 days but less than 120 days after the sale, and \$100 if received 120 days or more after the sale. Allows a Secretary of State Police investigator to issue administrative citations to new or used vehicle dealers, or any other entity licensed by the Secretary under the Illinois Vehicle Code, for violations of any provision of the Illinois Vehicle Code or violations of any administrative rule adopted by the Secretary under the Illinois Vehicle Code. Effective January 1, 2014.

LRB098 07671 MLW 37744 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 3-113 and 5-803 as follows:

6 (625 ILCS 5/3-113) (from Ch. 95 1/2, par. 3-113)

7 Sec. 3-113. Transfer to or from dealer; records.

8 (a) After a dealer buys a vehicle and holds it for resale,  
9 the dealer must procure the certificate of title from the owner  
10 or the lienholder. The dealer may hold the certificate until he  
11 or she transfers the vehicle to another person. Upon  
12 transferring the vehicle to another person, the dealer shall  
13 promptly and within 20 days execute the assignment and warranty  
14 of title by a dealer, showing the names and addresses of the  
15 transferee and of any lienholder holding a security interest  
16 created or reserved at the time of the resale, in the spaces  
17 provided therefor on the certificate or as the Secretary of  
18 State prescribes, and mail or deliver the certificate to the  
19 Secretary of State with the transferee's application for a new  
20 certificate, except as provided in Section 3-117.2. A dealer  
21 has complied with this Section if the date of the mailing of  
22 the certificate, as indicated by the postmark, is within 20  
23 days of the date on which the vehicle was transferred to

1 another person.

2 (b) The Secretary of State may decline to process any  
3 application for a transfer of an interest in a vehicle if any  
4 fees or taxes due under this Code from the transferor or the  
5 transferee have not been paid upon reasonable notice and  
6 demand.

7 (c) Any person who violates this Section shall be guilty of  
8 a petty offense.

9 (d) Beginning January 1, 2014, the Secretary of State is  
10 authorized to impose a delinquent vehicle dealer transfer fee  
11 of \$20 if the certificate of title is received by the Secretary  
12 from the dealer 30 days but less than 60 days after the date of  
13 sale. If the certificate of title is received by the Secretary  
14 from the dealer 60 days but less than 90 days after the date of  
15 sale, the delinquent dealer transfer fee shall be \$35. If the  
16 certificate of title is received by the Secretary from the  
17 dealer 90 days but less than 120 days after the date of sale,  
18 the delinquent vehicle dealer transfer fee shall be \$65. If the  
19 certificate of title is received by the Secretary from the  
20 dealer 120 days or more after the date of the sale, the  
21 delinquent vehicle dealer transfer fee shall be \$100.

22 (Source: P.A. 94-239, eff. 1-1-06; 95-284, eff. 1-1-08.)

23 (625 ILCS 5/5-803)

24 Sec. 5-803. Administrative penalties. Instead of filing a  
25 criminal complaint against a new or used vehicle dealer, or

1 against any other entity licensed by the Secretary under this  
2 Code, a Secretary of State Police investigator may issue  
3 administrative citations for violations of any of the  
4 provisions of this Code ~~Chapter~~ or any administrative rule  
5 adopted by the Secretary under this Code ~~Chapter~~. A party  
6 receiving a citation shall have the right to contest the  
7 citation in proceedings before the Secretary of State  
8 Department of Administrative Hearings. Penalties imposed by  
9 issuance of an administrative citation shall not exceed \$50 per  
10 violation. A penalty may not be imposed unless, during the  
11 course of a single investigation or upon review of the party's  
12 records, the party is found to have committed at least 3  
13 separate violations of one or more of the provisions of this  
14 Code or any administrative rule adopted by the Secretary under  
15 this Code. Penalties paid as a result of the issuance of  
16 administrative citations shall be deposited in the Secretary of  
17 State Police Services Fund.

18 (Source: P.A. 97-838, eff. 7-20-12.)

19 Section 99. Effective date. This Act takes effect January  
20 1, 2014.